

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DARLENE DAUGHTRY, et al.,

Plaintiffs,

V.

FAMILY DOLLAR STORES, INC.,

a Delaware Corporation.

Civil Action No. 1:08-cv-963

Hon. Sue L. Robinson

## **PROPOSED JOINT DISCOVERY PLAN**

Pursuant to the Court’s August 13, 2009 Order, Plaintiffs Darlene Daughtry, Kelvin Daughtry, Candace Saunders, Hope McCain, Claudia Benson, Sylvia Cooper, Daisy Harris, and Monique Walker (collectively, “Plaintiffs”) and Defendant Family Dollar Stores, Inc. (“Family Dollar”) submit the following proposed Joint Discovery Plan:

## 1. Pre-Discovery Disclosures

Family Dollar served its initial disclosures on August 24, 2009. Plaintiffs served their initial disclosures on August 25, 2009.

## 2. Discovery

- (a) Discovery will be needed on the following subjects: Plaintiffs' employment and relations with Defendant, Defendant's pertinent actions, policies and procedures, Plaintiff's allegations of discrimination and or retaliation, the circumstances that led to each of the Plaintiffs' termination from employment, any alleged damages, and the extent to which Plaintiffs mitigated their damages.
- (b) All discovery shall be completed by March 29, 2010.
- (c) Plaintiff proposes a maximum of 25 interrogatories may be served per party for a total of 200 interrogatories for the eight plaintiffs and 25 interrogatories for the sole defendant in accordance with Fed.R.Civ.P. 33(a)(1). Defendant proposes that Plaintiffs serve a maximum of 50 interrogatories total upon Defendant and

Defendant serve a maximum of 50 interrogatories total upon Plaintiffs.

- (d) A maximum of 20 requests for admissions will be served by each party on any other party.
- (e) Plaintiffs propose that they take a maximum of 50 depositions total for all eight plaintiffs and that the sole defendant take a maximum of 25 depositions. Alternatively, Plaintiffs propose that the eight plaintiffs take a maximum of eight times the number of depositions allowed the sole defendant. Defendant objects to Plaintiffs taking 50 depositions without leave of Court. Defendant proposes that a maximum of 25 depositions be taken by Plaintiffs and a maximum of 25 depositions be taken by Defendant.
- (f) Each deposition will be limited to a maximum of seven (7) hours unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26 (a) (2) on issues for which any party has the burden of proof are due by April 26, 2010. Rebuttal expert reports will be due by June 2, 2010.
- (h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of Other Parties, Amendment of Pleadings, and Class**

Plaintiffs propose that all motions to join other parties or amend the pleadings shall be filed on or before December 16, 2009. Defendant objects to Plaintiffs proposal and instead proposes that all motions to join other parties or amend the pleadings shall be filed on or before October 16, 2009.

4. **Settlement Conference**

Pursuant to 28 U.S.C. §636, this matter is referred to a Magistrate Judge for the purposes of exploring ADR.

5. **Summary Judgment Motions**

All summary judgment motions shall be served and filed with an opening brief on or

before June 16, 2010. Briefing shall be pursuant to D.Del. LR 7.1.2. No summary judgment motion may be filed more than 10 days from the above date without leave of the court.

**6. Applications by Motions**

Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.

**7. Motions *in Limine***

All motions *in limine* shall be filed on or before July 22, 2010. All responses to said motions shall be filed on or before August 5, 2010.

**8. Pretrial Conference**

A pretrial conference will be held on August 9, 2010 at 10 a.m. in Courtroom 6B, 6<sup>th</sup> floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

**9. Trial**

This matter is scheduled for a one (1) week jury trial commencing on August 16, 2010 in Courtroom 6B, 6<sup>th</sup> floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

Respectfully submitted,

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